

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY



JAMES LEE SMITH,

Petitioner,

v.

WILLIE BONDS,

Respondent.

Civil Action No.: 15-6437 (SRC)

**MEMORANDUM AND ORDER**

This matter having come before the Court on Petitioner's submission of a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, and it appearing that:

1. Petitioner is a convicted state prisoner challenging his New Jersey state court conviction pursuant to 28 U.S.C. § 2254. He filed this habeas petition on August 26, 2015.

2. Petitioner neither prepaid the \$5.00 filing fee for a habeas petition as required by Local Civil Rule 54.3(a), nor submitted a complete application to proceed *in forma pauperis* ("IFP") that contains a certification by an authorized official at his place of confinement certifying Petitioner's institutional account for the preceding six months, as required under L.Civ.R. 81.2(b).

3. Petitioner did not file his § 2254 petition on the correct form, as required by Local Civil Rule 81.2.<sup>1</sup>

IT IS THEREFORE on this 9<sup>th</sup> day of September, 2015,

<sup>1</sup> Use of the correct form is important because the form provides a notification and requires a certification that Petitioner has been notified that he/she must include in the petition all the grounds for relief from the conviction or sentence that is challenged, and that the petitioner must state the facts that support each ground; and if the petitioner fails to set forth all the grounds in the petition, he/she may be barred from presenting additional grounds at a later date.

ORDERED that the Clerk of the Court shall administratively terminate this case for Petitioner's failure to either pay the requisite filing fee of \$5.00 or submit a complete application to proceed *in forma pauperis*, and failure to file his petition on the correct form; and it is further

ORDERED that the Clerk of the Court shall mail to Petitioner a blank form Application to Proceed *In Forma Pauperis* in a Habeas Corpus Case (DNJ-PRO-SE-007-B.pdf), and a blank Petition for Relief From a Conviction or Sentence By a Person in State Custody Under 28 U.S.C. 2254 (AO 241 (modified): DNJ-HABEAS-008 (Rev.01-2014)) ; and it is further

ORDERED that, if Petitioner wishes to reopen this action, he shall so notify the Court within 30 days of the date of entry of this Order, in writing addressed to the Clerk of the Court, Martin Luther King Building & U.S. Courthouse, 50 Walnut Street, Newark, NJ 07101; Petitioner's writing shall include either: (1) a complete *in forma pauperis* application, including a certification of Petitioner's institutional account, as required by Local Civil Rule 81.2(b); or (2) the \$5 filing fee; (3) and a completed § 2254 habeas petition on the correct form; and it is finally

ORDERED that the Clerk of the Court shall serve a copy of this Order upon Petitioner by regular U.S. mail, and close this case accordingly.



STANLEY R. CHESLER  
United States District Judge